

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	FINAL ORDER OF
	:	DISCIPLINE
KEVIN A. MATHEW, RN	:	
License # 26NR16627400	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kevin A. Mathew ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On April 22, 2015, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2015," referring to the biennial renewal period of June 1, 2013 to May 31, 2015. Respondent was also asked whether he had

completed the required one hour course on Organ and Tissue Donation. Respondent answered "Yes" to both questions and certified the answers by submitting the online application.

3. Upon receipt of information indicating that Respondent was arrested on July 3, 2015, by members of the Perth Amboy Police Department for violation of N.J.S.A. 2C:12-1A(1) (Simple Assault), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address in Morganville, New Jersey, via regular and certified mail on or about July 8, 2015. The certified mailing was signed for on August 1, 2015. The regular mailing was not returned.

4. Respondent did not initially reply to the Board's letter of inquiry.

SUBSEQUENT PROCEDURAL HISTORY

Based on the foregoing findings of fact and conclusions of law below, a Provisional Order of Discipline seeking a reprimand, a suspension and a seven hundred fifty dollar (\$750) aggregate civil penalty was entered on February 8, 2016. A copy was served on Respondent via regular and certified mail to his last known address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business

day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

By letter dated February 22, 2016, Respondent provided an Order of Expungement dated December 7, 2015, from the Superior Court expunging his July 3, 2015, arrest. However, he did so only after the Provisional Order of Discipline was filed, having initially failed to respond to the Board's letter of inquiry. His failure to timely cooperate with the Board's investigation necessitated the filing of a Provisional Order of Discipline, with the concomitant expenditure of time, effort and resources. Thus, the five hundred dollar (\$500) civil penalty is warranted.

Respondent's reply also documented 44 hours of continuing education, including two Organ and Tissue Donation courses for the compliance period running from June 1, 2013 to May 31, 2015. Therefore, the suspension, reprimand and two hundred fifty dollar (\$250) civil penalty originally sought by the Provisional Order of Discipline are no longer warranted.

CONCLUSIONS OF LAW

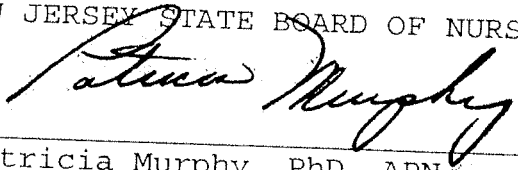
Respondent's failure to respond to the Board's request for information constitutes failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 01 day of July, 2016,
ORDERED that:

1. Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Leslie Burgos, Board Staff, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a **Final Order of Discipline**. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Murphy, PhD, APN
Board President